

J. AND N. HAMLIN.

MAY 25, 1842.

Read, and laid upon the table.

Mr. COWEN, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to whom was referred the petition of J. and N. Hamlin, report:

That this claim was before the Committee of Claims of the House of Representatives at the 1st session of the 26th Congress, and an unfavorable report made thereon on the 10th of July, 1840. No additional evidence has since been offered; and, on a re-examination of the case, the committee are unable to discover any reason for departing from the principles laid down in said report, which is hereunto annexed, and adopted as part of this report. The committee therefore submit to the House for adoption the following resolution:

Resolved, That the petitioners are not entitled to relief.

JULY 10, 1840.

Mr. GIDDINGS, from the Committee of Claims, to whom was committed the petition of J. and N. Hamlin, reported:

That the memorialists ask pay for five cords of wood furnished to the steamboat *Muscogee*, while in the employment of the Government, and under the command of Lieutenant *McCrab*, in February, 1837.

The memorialists state that said *McCrab* and his assistant have both died since the delivery of said wood, and that they have no other proof in support of their claim than their own oaths. They have therefore filed their affidavits of the delivery of the wood.

The only question presented for the examination of the committee is the rule of evidence to be observed in establishing claims. It must be obvious to every person that general rules in regard to testimony ought to be adopted by the committee; that the same general rules should apply to all cases coming before the committee, in order that equal justice may be dealt out to all who apply for relief. It would be impolitic and unjust to admit the testimony of one petitioner and exclude that of another. The committee were early compelled to adopt general rules on this subject, and have usually been governed by the same principles of evidence that are adopted in courts of justice. These rules are supposed to

afford a more perfect mode of developing truth than any others that could be resorted to in the investigation of claims that come before them.

In the case now presented, the committee are sensible that injustice may result from a strict adherence to the rules of evidence above referred to; yet a relaxation of these rules would likely produce evils more to be deprecated than a failure of justice in a particular instance. The claim as it is presented is not sustained by the necessary proof, and the committee therefore recommend to the House for adoption the following resolution:

Resolved, That the petitioners are not entitled to relief.